

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1647 of 2015 &
M.P.No.1 of 2015

1.K.Vellingiri
2.Thulasiammal

... Petitioners

v.

K.C.Krishnasamy

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and final order dated 6.7.2012 made in I.A.No.1175 of 2012 in O.S.No.1643 of 2013 on the file of Principal District Munsif Court, Coimbatore.

For Petitioner : Mr.P.Valliappan

ORDER

Challenging the fair and final order passed in I.A.No.1175 of 2012 in O.S.No.1643 of 2013 on the file of Principal District Munsif Court, Coimbatore (previously numbered as O.S.No.597 of 2005 on the file of District Munsif Cour, Avinashi), the plaintiffs have filed the above Civil Revision Petition.

2. The plaintiffs filed the suit in O.S.No.1643 of 2013 for mandatory injunction and permanent injunction. The said suit is being contested by the defendant. After completion of the oral evidence and when the matter is posed for arguments, the defendant filed an application in I.A.No.1175 of 2012, to reopen the defendant's side evidence. The said application was opposed by the plaintiffs. The Trial Court, after taking into consideration the case of both the parties, allowed the application.

3. Since the suit is of the year 1995 and that by reopening the case for the purpose of examining the defendant's side evidence, I do not find any prejudice be caused to the plaintiffs and if the application is rejected, the defendant would be put to hardship.

4. In these circumstances, I do not find any error or irregularity in the

order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Since the suit is of the year 1995, I direct the Principal District Munsif Court, Coimbatore to dispose of the suit in O.S.No.1643 of 2013 on merits and in accordance with law on or before 31.07.2015.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2015

Index : No
Internet : Yes

Rj

To

The Principal District Munsif Court,
Coimbatore

M. DURAISWAMY,J.,

Rj

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